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**MAILED**

**JUN 30 2011**

**OFFICE OF PETITIONS**

In re Patent No. 5,900,199 :  
Issue Date: May 4, 1999 :  
Application No. 08/976,416 :  
Filed: November 21, 1997 :  
Attorney Docket No. 7939-000006 :

ON PETITION

In re Patent No. 5,915,830 :  
Issue Date: June 29, 1999 :  
Application No. 08/985,146 :  
Filed: December 4, 1997 :  
Attorney Docket No. 7939000007 :

This is a decision in response to the communications filed May 3, 2011, June 1, 2011 and June 16, 2011, in U.S. Patent No. 5,900,199, which are collectively being treated as a petition under 37 CFR 1.377 to accept and record a maintenance fee in U.S. Patent No. 5,915,830.

The petition is **DISMISSED**.

A review of the record confirms that a maintenance fee was paid under 37 CFR 1.362(e) on April 18, 2011 in U.S. Patent No. 5,900,199; however, as noted by petitioner, the wrong patent number was inadvertently identified in the letter transmitting the fee. Consequently, the fee was applied towards the patent to which payment was directed, resulting in non payment of the third maintenance fee for U.S. Patent No. 5,915,830.

In submitting maintenance fees and any necessary surcharges, identification of the patents for which maintenance fees are being paid must include a patent number **and** an application number. See 37 CFR 1.366(c). In this case the payment was submitted identifying the wrong patent number and application number.

A petition under 37 CFR 1.377 may be used in situations where an error is present in the identifying data required by 37 CFR 1.366(c) with the maintenance fee payment, i.e., either the patent number **or** the application number is incorrect. See MPEP § 2515 and § 2530. Since the transmittal of the maintenance fee payment failed to include at least one correct mandatory identifier, relief cannot be granted under 37 CFR 1.377.

Petitioner may wish to seek relief by filing a petition under 37 CFR 1.182 directed to U.S. Patent

6,915,830. However, petitioner should note that the mere suggestion to file a petition under 37 CFR 1.182 does not necessarily mean that such a petition will be granted. Petitioner must supply the evidence necessary for a grantable petition under 37 CFR 1.182. If petitioner cannot supply the evidence necessary under 37 CFR 1.182, or simply does not wish to, petitioner should consider filing a petition under 37 CFR 1.378(c).

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Sherry D. Brinkley  
Petitions Examiner  
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